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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hui Tian, *et al.*

Application No.: 09/837,992

Filed: April 18, 2001

For: SITOSTEROLEMIA
SUSCEPTIBILITY GENE (SSG):
COMPOSITIONS AND METHODS OF
USE

Examiner: Christian L. Fronda

Art Unit: 1652

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement, Applicants elect, with traverse, to prosecute the claims of Group I, claims 1-18, 31 and 32, drawn to an isolated nucleic acid molecule encoding an SSG polypeptide, an expression cassette, a cell comprising said expression cassette, and method of making a SSG polypeptide. Applicants' election is made with traverse as examination of the subject matter recited in the claims of Groups I-IX would not place a substantially greater burden on the Examiner.

Further, in response to the Species Election, Applicants elect the following species for purposes of examination: an isolated nucleic acid encoding an SSG polypeptide, said SSG polypeptide comprising an amino acid sequence that is at least about 70% identical to an amino acid sequence as set forth in SEQ ID NO:3. As stated in MPEP § 809.02(a), "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or

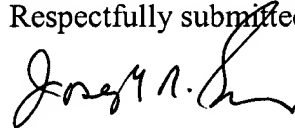
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otherwise include all the limitations of an allowed generic claim as provided by 37 CFR § 1.141.”

If the Examiner has any questions regarding Applicants' elections, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (925) 472-5000.

Respectfully submitted,



Joseph R. Snyder
Reg. No. 39,381

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